

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF INDIANA  
SOUTH BEND DIVISION

MICHAEL K. GREGORY,

Plaintiff,

v.

K. ZIMMERMAN, et al.,

Defendants.

CAUSE NO.: 3:18-CV-444-PPS-MGG

OPINION AND ORDER

Michael K. Gregory, a prisoner without a lawyer, alleges seven guards at the Indiana State Prison used excessive force against him on April 2, 2017. A document filed pro se is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.” *Erickson v. Pardus*, 551 U.S. 89, 94 (2007) (quotation marks and citations omitted). However, pursuant to 28 U.S.C. § 1915A, I must review the merits of a prisoner complaint and dismiss it if the action is frivolous or malicious, fails to state a claim upon which relief may be granted, or seeks monetary relief against a defendant who is immune from such relief.

Gregory alleges the seven defendants brutally beat him while he was handcuffed and repeatedly slammed his head into walls, doors, and the steps. The “core requirement” for an excessive force claim is that the defendant “used force not in a good-faith effort to maintain or restore discipline, but maliciously and sadistically to cause harm.” *Hendrickson v. Cooper*, 589 F.3d 887, 890 (7th Cir. 2009) (internal citation

omitted). “[T]he question whether the measure taken inflicted unnecessary and wanton pain and suffering ultimately turns on whether force was applied in a good faith effort to maintain or restore discipline or maliciously and sadistically for the very purpose of causing harm.” *Whitley v. Albers*, 475 U.S. 312, 320-21 (1986) (quotation marks and citation omitted). Here, Gregory has plausibly alleged the seven defendants inflicted cruel and unusual punishment on him in violation of the Eighth Amendment by acting maliciously and sadistically, in bad faith for no legitimate purpose.

For these reasons, the court:

(1) GRANTS Michael K. Gregory leave to proceed against K. Zimmerman, Lopez, A. Lagunas, C. Woolfork, M. Florer, M. Maldonado, and S. Beach in their individual capacities for compensatory and punitive damages for using excessive force against him on April 2, 2017, in violation of the Eighth Amendment;

(2) DISMISSES all other claims;

(3) DIRECTS the clerk and the United States Marshals Service, as required by 28 U.S.C. § 1915(d), to issue and serve process at the Indiana Department of Correction on K. Zimmerman, Lopez, A. Lagunas, C. Woolfork, M. Florer, M. Maldonado, and S. Beach with a copy of this order and the Complaint (ECF 1); and

(4) ORDERS, pursuant to 42 U.S.C. § 1997e(g)(2), K. Zimmerman, Lopez, A. Lagunas, C. Woolfork, M. Florer, M. Maldonado, and S. Beach to respond, as provided for in the Federal Rules of Civil Procedure and N.D. Ind. L.R. 10-1(b), only to the claims for which the plaintiff has been granted leave to proceed in this screening order.

SO ORDERED on September 20, 2018.

/ s/ Philip P. Simon  
PHILIP P. SIMON, JUDGE  
UNITED STATES DISTRICT COURT